

Subject: Information requested at prehearing conference

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Judge Sippel,

On behalf of Mr. Havens and the SkyTel-H entities (as those entities are defined in Mr. Havens' report filed in the hearing on 5/18/12), I am providing certain information here that you instructed Mr. Havens to provide to you via email and to copy to the parties in the proceeding.

Attached are two Wireless Bureau decisions (the "Two Decisions") regarding a declaratory ruling request by Maritime concerning FCC rule Section 80.385(b) with regard to how much protection the rule allows of Maritime's asserted site-based AMTS stations by the co-channel, surrounding geographic AMTS licensee's operation, essentially what service area can be claimed by a valid site-based station within the much larger co-channel geographic license. They are DA 09-793 and DA 10-664 (by Scot Stone of the Wireless Bureau).

The Two Decisions make clear that Maritime had to provide to the geographic licensee upon its request the technical details of its alleged site-based stations, otherwise, the spectrum sharing under the formula in Rule Section 80.385(b) could not be put into effect. This would lead to blocking the geographic licensee from using the spectrum in proximity or in long distances surrounding the site-based station because it cannot determine the service area of the site-based station without those technical details. Thus, any geographic station constructed and operated in the region of the site-based stations could be subject to interference, and later claims by the site-based licensee based on asserted operations it would not previously disclose and prove up.

As Mr. Havens briefly stated at this past Tuesday's prehearing conference, Maritime was incorrect in suggesting that its site-based stations are subject to co-channel geographic licenses that Maritime holds. Whereas that is true in part of the nation, the following lists the SkyTel entities' geographic licenses subject to Maritime's alleged site-based co-channel AMTS stations:

(For reference purposes, attached is a copy of the FCC's map for AMTS geographic licensing)

1. Northern Atlantic geographic A-block licenses, Call Sign [WQGF310](#), held by Intelligent Transportation & Monitoring Wireless LLC, and Call Sign [WQJW650](#), held by Skybridge Spectrum Foundation. MCLM has numerous alleged site-based stations in this region (State of Maine down to middle of New Jersey). [*]
2. Mid-Atlantic geographic B-block license, Call Sign [WQCP811](#), held by Environmental LLC, and Call Sign [WQJW652](#), held by Skybridge Spectrum Foundation. MCLM has various alleged stations in the Carolinas.
3. Southern Atlantic geographic A-block license, Call Sign [WQGF311](#), held by Intelligent Transportation & Monitoring Wireless LLC, and Call Sign [WQJW651](#), held by Skybridge Spectrum Foundation. MCLM has numerous alleged stations in Georgia and Florida.
4. Mississippi River geographic B-block license, Call Sign [WQCP815](#), held by Verde Systems LLC, and Call Sign [WQJW655](#), held by Skybridge Spectrum Foundation. MCLM has numerous alleged stations along the Mississippi River and its tributaries from Minnesota down to Louisiana and along the Gulf Coast of Texas.

5. Northern Pacific geographic A-block license, Call Sign [WQGF313](#), held by Environmental LLC, and Call Sign [WQJW654](#), held by Skybridge Spectrum Foundation. MCLM has numerous alleged stations from Seattle down to the California/Oregon border.

Some of the applications in this hearing, listed in the HDO, FCC 11-64, involve Maritime alleged site-based licensed stations. For example, see the applications involving Duquesne and Puget Sound Energy.

Mr. Havens has noted several times in filings in the hearing the SkyTel-H's Sherman Act 1 case against Maritime (and related parties) in the US District Court, New Jersey. This antitrust claim involves, among other things, Maritime's unlawful restraint of use of the above-listed geographic AMTS licenses throughout the nation by refusing to comply with the directions of the Wireless Bureau in the TwoDecisions, and in other unlawful use of Maritime's asserted FCC licenses. A copy of the Court's decision allowing SkyTel's Sherman Act 1 claim to proceed was previously provided as an attachment to Mr. Havens email notice filed in the docket on 1/22/12. A copy is attached here again for convenience.

A copy of this email and its attachments will be filed with the FCC's Secretary and in EB Docket No. 11-71. A copy will also be mailed to the parties.

[*] You also instructed Mr. Havens to identify which SkyTel entities hold the A and the B block Northern Atlantic AMTS geographic licenses. The A-block license holders are identified above. The B-block Northern Atlantic geographic license holders are Environmental LLC and Skybridge Spectrum Foundation.

Respectfully submitted,

Jimmy Stobaugh, on behalf of
Warren Havens and the other SkyTel-H entities